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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/664,341

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Alexey Zdanovsky

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EXAMINER

PAK, YONG D

ART UNIT

PAPER NUMBER

1652

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **ADVISORY ACTION**

Claims 1-23 and 25-47 are pending. Claims 12-14, 21-23, 26-29, 33, 38-40 and 45-46 are withdrawn. Claims 1-11, 15-20, 25, 30-32, 34-37, 41-44 and 47 are under consideration

### ***Response to Arguments***

The amendment filed on April 17, 2008 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because: the proposed amendment raises new issues that would require further consideration and/or search. The amendment has not been entered for the following reasons:

The amendment adds a new limitation to the polynucleotide of claim 1 (and therefore claims depending therefrom), wherein the polynucleotide encodes a fusion polypeptide comprising at least two different complementing heterologous protein destabilization sequences. The term "complementing" would warrant a new rejection under 112, 2<sup>nd</sup> paragraph, as being indefinite since it is not clear to the Examiner what applicants mean by the above term and a perusal of the specification did not provide the Examiner with a specific definition for the above term. Therefore, the newly amended claim warrants further consideration on these newly incorporated limitations, necessitating a new search in the prior art and/or a new rejection.

In view of the non-entry of the above amendment filed on April 17, 2008, all previous rejections are maintained for reasons of record.

None of the claims are allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Pak whose telephone number is 571-272-0935. The examiner can normally be reached 6:30 A.M. to 5:00 P.M. Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nashaat Nashed can be reached on 571-272-0934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/Yong D Pak/  
Primary Examiner, Art Unit 1652